

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX**

MCM STUDIOS – PENN HILLS, LLC AND MCM  
STUDIOS, INC.<sup>1</sup>

Employer

and

**Case 6-RC-12445**

INTERNATIONAL ALLIANCE OF THEATRICAL  
STAGE EMPLOYEES, MOVING PICTURE  
TECHNICIANS, ARTISTS AND ALLIED CRAFTS  
OF THE UNITED STATES, ITS TERRITORIES  
AND CANADA, LOCAL 627, AFL-CIO, CLC

Petitioner

**REGIONAL DIRECTOR’S DECISION AND ORDER**

The Employer, MCM Studios – Penn Hills, LLC, (herein “Penn Hills”) operates a movie theater in Penn Hills, Pennsylvania, where it employs approximately eight employees. The Petitioner, International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, Local 627, AFL-CIO, CLC, filed a petition with the National Labor Relations Board under Section 9(c) of the National Labor Relations Act seeking to represent a unit of all full-time and regular part-time projectionists employed by the Employer at its Penn Hills cinema location in Penn Hills, Pennsylvania; excluding all office clerical employees and guards, professional employees and supervisors as defined in the Act, and all other employees.<sup>2</sup> A hearing officer of the Board held a hearing and the Petitioner filed a brief in this matter.

---

<sup>1</sup> The name of the Employer appears in the case caption as corrected to reflect the findings of single employer status made herein.

<sup>2</sup> The unit description appears as amended at the hearing.

As evidenced at the hearing, the parties disagree on five issues. The first issue is whether the Employer meets the Board's monetary standards for asserting jurisdiction over it. The second issue is whether the Employer and MCM Studios, Inc., which owns and operates the Oaks Theater (herein "the Oaks"), together constitute a single employer for purposes of establishing jurisdiction over the Employer. The third issue is, if the two entities are found to be a single employer for purposes of establishing jurisdiction, whether the gross revenues of the two entities together are sufficient to meet the Board's monetary standards for asserting jurisdiction. The fourth issue is whether the requested single-facility unit is appropriate herein, or whether the single-facility presumption has been rebutted and the appropriate unit must include employees from both Penn Hills and the Oaks. The fifth issue is whether two recently hired employees should be included in the unit found to be appropriate.

The Employer contends that it is not a single employer with the Oaks and that it does not meet the monetary standard for the assertion of jurisdiction over a retail business.<sup>3</sup> The Employer consequently contends that the petition must be dismissed. In the alternative, the Employer asserts that if it is found to be a single employer with MCM Studios, Inc. for purposes of jurisdiction, then the scope of the unit must include employees from both Penn Hills and the Oaks. The Employer further asserts that the two newly hired employees are projectionists and should be included in the unit. The Petitioner, contrary to the Employer, seeks to represent only the projectionists at the Penn Hills location. While it asserts that the revenues from Penn Hills and the Oaks should be combined in order for the Board to assert jurisdiction, the Petitioner argues that the single-facility presumption has not been overcome, and thus the requested single-facility unit is appropriate. The Petitioner further contends that the two newly hired employees should not be included in the petitioned-for unit. The unit sought by the Petitioner

---

<sup>3</sup> The Employer agrees that since it commenced operations on January 15, 2005, it has purchased, rented and received goods valued in excess of \$5,000 from points located outside of the Commonwealth of Pennsylvania.

has two, three or four employees, while the unit the Employer contends is appropriate, assuming the jurisdictional standard is met, would include six employees.

I have considered the evidence and the arguments presented by the parties on each of the matters at issue herein. As discussed below, I have concluded that the Employer and MCM Studios, Inc. are a single employer for the purpose of asserting jurisdiction. I have further concluded that the single-facility presumption has been rebutted herein and that the appropriate unit must include employees of both Penn Hills and the Oaks. However, since the unit I find appropriate herein includes the projectionists at the Oaks as well as Penn Hills, and inasmuch as the Petitioner has indicated that it is unwilling to proceed to an election in any unit other than the one requested in the petition, I shall dismiss the instant petition.<sup>4</sup>

To provide a context for my discussion of the issues, I will first provide an overview of the Employer's operations. Then, I will present in detail the facts and reasoning that supports each of my conclusions on the issues.

## **I. OVERVIEW OF OPERATIONS**

### **A. MCM Studios – Penn Hills, LLC**

The Employer operates the Penn Hills Cinemas, located in the Penn Hills Shopping Center. There are four movie screens in the facility, with approximately 100 seats in each theater. The types of movies shown at Penn Hills are generally first run, widely released films. In these operations, the Employer employs about nine employees, three of whom presently work as projectionists during some or all of their working hours. The Employer describes itself as a partnership, owned equally by partners Meg Burkardt and Jared Earley.<sup>5</sup>

---

<sup>4</sup> Inasmuch as I am dismissing the petition herein, I have not included a finding as to whether Roy Clafin and Chris Weaber, two newly hired employees at Penn Hills, should be included in the unit found appropriate.

<sup>5</sup> While the Employer referred to itself as a partnership at the hearing, the record evidence as to its legal status is unclear. On January 15, 2005, the Employer filed a Certificate of Organization as a limited liability company with the Commonwealth of Pennsylvania, which indicates that it is a corporation. On the same date, the Employer registered MCM Studios – Penn Hills, LLC as a fictitious name with the Commonwealth of Pennsylvania, which indicates that it is a partnership. The Employer also filed, on a date which is unclear, an application for an Employer Identification Number with the Internal Revenue Service. On that application, when asked to check the type of entity that was being issued the number,

The overall operations of the Employer are the responsibility of its general manager, Earley. Reporting directly to Earley are about nine employees, all of whom work part-time. There are five concession stand clerks who are paid \$6.00 per hour and two projectionists who earn \$12.00 per hour. In March 2005, Roy Claflin was hired as both a projectionist and a concession clerk, earning \$8.00 per hour, and in April 2005, Chris Weaber was hired. Earley is responsible for all of the day-to-day operations at Penn Hills, including the responsibility for hiring, firing, assignment of work, scheduling, allowing time off and discipline.<sup>6</sup>

In late 2004, the owner of the Penn Hills Shopping Center approached Burkardt regarding the Penn Hills Cinemas. The tenant who had been renting and operating the theater up to that point in time was in considerable arrears in the rent, and the owner had obtained a judgment against the tenant. The owner wanted to be rid of the tenant, but did not want the theater to close. The owner asked Burkardt, who is a part owner of the Oaks Theater in Oakmont, Pennsylvania, if she would be interested in signing a lease and operating Penn Hills. Burkardt considered the offer and agreed to take over the operation of Penn Hills in the form of a partnership with Earley.

Burkardt and Earley formed their partnership, MCM Studios – Penn Hills, LLC, on January 15, 2005. Burkardt is a one-third owner of the Oaks Theater, where Earley is employed as the manager.<sup>7</sup> The partners began operating Penn Hills on that date with no break in operations from the previous tenant. All of the employees of the previous tenant were hired by the Employer, including two projectionists, Tyree Patrick and Dwight (“Al”) Malter. The partnership also signed a three year lease on that date agreeing to pay \$4,000 per month in

---

the Employer did not check that it was either a corporation or a partnership, but rather, checked “other”, and specified that it was a “limited liability company”. As a result of these seemingly inconsistent filings, the legal status of the Employer is not clear. Consequently, without implying any legal conclusion on this subject, I shall refer to the Employer as a partnership herein.

<sup>6</sup> The parties stipulated, and I find, that Earley is a supervisor within the meaning of Section 2(11) of the Act inasmuch as he has the authority, inter alia, to hire, fire, assign, direct and discipline employees.

<sup>7</sup> The Oaks Theater will be discussed in more detail infra.

rent.<sup>8</sup> While it is not memorialized in the lease, the owner of the shopping center and the partnership verbally agreed that the lease could be terminated after one year if the business did not prove to be successful.

Earley began managing Penn Hills in addition to his duties at the Oaks Theater, located about six miles away. On weekends, Burkardt has been assisting him in the management of the theaters.<sup>9</sup> The partnership plans to hire a general manager for Penn Hills eventually, since Earley is presently working unreasonably long hours overseeing operations at both Penn Hills and the Oaks.

Since the partnership took over the operations at Penn Hills, the Employer has hired four new employees in addition to the employees who had previously been employed at the cinemas. Tessa Barber, hired on January 18, 2005, and Greg Dessell, hired on January 23, 2005, are both concession stand clerks. Roy Claflin, hired on March 2, 2005, works both as a projectionist and as a concession stand clerk. Chris Weaber, hired on April 8, 2005, is being trained as a projectionist and also possibly as a manager. According to Earley, Barber works about five to ten hours per week at the Oaks and about 20 hours per week at Penn Hills. Dessell works about five to ten hours per week at each location, and Claflin works about twenty hours per week at each location. Weaber, who at the time of the hearing had only been working for one week, was scheduled for approximately 40 hours that week, only at Penn Hills. The two projectionists who have been working at Penn Hills earn \$12.00 per hour, while Claflin and Weaber are earning \$8.00 per hour.<sup>10</sup>

Both Penn Hills and the Oaks utilize the same accountant to handle their records. Burkardt prepares the financial information for the accountant. From the time Penn Hills began

---

<sup>8</sup> Although it is not clear exactly how much rent was charged to the previous tenant, the amount the Employer is paying is considerably less.

<sup>9</sup> Burkardt is an attorney in sole practice, owns some rental properties, and performs some of the bookkeeping functions for the Oaks and now also for Penn Hills.

<sup>10</sup> The concession clerks at Penn Hills earn \$6.00 per hour.

operating under this ownership on January 15, 2005, through April 8, 2005, Penn Hills has received \$73,300.19 in gross revenues.

B. MCM Studios, Inc.

MCM Studios, Inc. was incorporated in late November 2001 as the owner and operator of the Oaks Theater in Oakmont, Pennsylvania. The Oaks is a 400-seat, single screen movie theater. The Oaks shows primarily exclusive screenings and limited-run movies. There are three equal shareholders of the corporation: Burkardt, Cynthia Yount, a schoolteacher, and Marc Serrao, owner of the Oakmont Bakery. The three owners are friends, and formed the corporation in order to buy and operate the Oaks Theater. In December 2001, the corporation purchased the building housing the theater. Burkardt is the only shareholder who is actively involved in the operation of the Oaks; as with Penn Hills, Burkardt does much of the bookkeeping for the business. Earley is the manager at the Oaks but has no ownership interest in it.

The Oaks employs about seven employees, including two projectionists and four concession clerks as well as Claflin, who is assigned to work as both. All of the employees at both locations are regular part-time employees. The projectionists at the Oaks earn \$8.00 per hour and the concession clerks earn \$6.00 per hour.<sup>11</sup> Earley is responsible for all of the day-to-day operations at the Oaks and, as at Penn Hills, Earley has the authority to hire, fire, discipline, assign and direct the work of the employees. While Burkardt performs the bookkeeping functions for the Oaks, the other two shareholders have no direct involvement in its operations. During the period from January 1, 2005 through April 8, 2005, the Oaks had gross revenues of \$55,542.44.

---

<sup>11</sup> Claflin is paid \$8.00 per hour regardless of what duties he is assigned at any given time. He receives separate paychecks for each location.

## II. JURISDICTION

In order to assert jurisdiction over the Employer, it must be shown that the Employer meets the standards for jurisdiction over a retail business. Northgate Cinema, Inc. and Wyandotte Theater, Inc., 233 NLRB 586, 587 (1977). The Board adheres to a standard in which it will assert jurisdiction over retail businesses which fall within its statutory jurisdiction and which do a gross volume of business of at least \$500,000 per year. Galaxy Theatre, 210 NLRB 695 (1974), citing Carolina Supplies and Cement Co., 122 NLRB 88, 89 (1958). In cases such as the present one, where there is a successorship involved, the Board has treated the successor-employer as if it had commenced operations of a new business and has decided whether the new business meets the jurisdictional standard by making a projection for an entire year based on its actual experience. Galaxy Theatre, supra at 695 and cases cited therein.

In the instant case, Penn Hills has been operating under the present ownership since January 15, 2005. The Employer provided the amount of its gross revenues from that date until April 8, 2005, which totals 12 weeks.<sup>12</sup> The gross revenues for that time period totaled \$73,300.19. In order to project this figure for an entire year, the gross revenues should be divided by 12 to obtain a weekly average, and then multiplied times 52 weeks. When this computation is completed, the projected amount of gross revenues for a year totals \$317,634.15. Clearly, this amount falls short of the \$500,000 gross revenue amount required for the Board to assert jurisdiction over a retail establishment.

However, evidence was also submitted regarding the gross revenues of the Oaks for the calendar year as of the time of the hearing. According to the figures provided, the Oaks had gross revenues of \$55,542.44 from January 1, 2005 until April 8, 2005. This figure represents 14 weeks of revenues. If that figure is divided by 14 and then multiplied by 52 weeks, the

---

<sup>12</sup> At the hearing, the Employer erroneously asserted that this time period amounted to 13 weeks. However, upon review of the calendar for 2005, the time period from January 15, 2005 until April 8, 2005 is only 12 weeks.

projected income for the Oaks for 2005 is \$206,300.48. If the two entities are considered to be a single employer for purposes of jurisdiction, then the total projection of gross incomes would be \$523,934.63, which exceeds the \$500,000 gross revenue amount required to assert jurisdiction.<sup>13</sup>

Consequently, an analysis of the interrelationship between the Oaks and Penn Hills must be made to determine whether they should be considered a single employer for purposes of asserting jurisdiction.<sup>14</sup> The Board has determined that a single-employer relationship exists when two or more employing entities are in reality part of a single integrated enterprise.

Centurion Auto Transport, Inc., Southeast Drivers, Inc., Eagle Auto Transport, Inc. and Automobile Transport Clearinghouse, Inc., 329 NLRB 394, 395 (1999). The Board and the courts examine four principal factors in making this determination: (1) centralized control of labor relations; (2) common management; (3) functional interrelationship of operations; and (4) common ownership. Radio and Television Broadcast Technicians Local Union 1264 v. Broadcast Service of Mobile, Inc., 380 U.S. 255, 256 (1965); NLRB v. Browning-Ferris Industries of Pennsylvania, Inc., 691 F.2d 1117, 1122 (3d Cir. 1982); Centurion Auto Transport, Inc., supra.

Not all of these factors need to be present to establish single-employer status, and no one factor, when viewed separately, has been found to be controlling. Centurion Auto Transport, Inc., supra; Hebert Industrial Insulation Corp., 319 NLRB 510, 524 (1995); Denart Coal Co., 315 NLRB 850, 851 (1994), enf'd. 71 F.3d 486 (4<sup>th</sup> Cir. 1995). However, the Board has stressed the

---

<sup>13</sup> Since the Oaks has been operating under the present ownership since 2001, it might be argued that its actual gross revenues would be more accurate than a projected amount. The Oaks provided its income tax return for 2004, which shows that it received gross revenues of \$237,276.00 for that year. If that figure is added to the projected gross revenues for Penn Hills, the amount would be \$554,910.15, even higher than the above calculation. Consequently, using either the actual gross revenue for 2004 or the projected gross revenue based on the first 14 weeks of 2005, the jurisdictional standard is met when the amounts for Penn Hills and the Oaks are combined.

<sup>14</sup> It is well established that the commerce data of joint or single employers may appropriately be combined for jurisdictional purposes. 373-381 South Broadway Associates, 304 NLRB 1108 (1991).



first three factors, particularly centralized control of labor relations, in finding single-employer status. Hebert Industrial Insulation Corp., supra; Parklane Hosiery Co., 203 NLRB 597, 612 (1973). Thus, it is well settled that the fundamental inquiry is whether there exists overall control of critical matters at the policy level. Centurion Auto Transport, Inc., supra; Emsing's Supermarket, 284 NLRB 302 (1987), citing Soule Glass Co., 652 F.2d 1055, 1075 (1<sup>st</sup> Cir. 1981).

Applying these principles to the instant case, I find the following:

A. Centralized Control of Labor Relations – At both theaters, Jared Earley is the sole manager, and according to the testimony of both Earley and Burkardt, Earley makes all of the decisions regarding the employees. He has independent authority to hire, fire, assign duties, direct work, discipline, grant time off and so forth. Earley does not need to confer with anyone else in making these decisions. Consequently, I find that the labor relations at Penn Hills and the Oaks is centralized and controlled by Earley.

B. Common Management – As described above, Earley is the general manager at both Penn Hills and the Oaks. There are no other management personnel under him or working with him, other than Burkardt, who assists him with the management at Penn Hills on the weekends. Thus, Penn Hills and the Oaks share common management.

C. Functional Interrelationship of Operations – There appears to be some functional interrelationship between the two theaters. The theaters share the same general manager, and the same individual, Burkardt, prepares the books for both theaters. Penn Hills and the Oaks share the same accountant. Further, Burkardt, the only shareholder of the Oaks who is actively involved in its operations, helps to manage Penn Hills on the weekends in addition to her bookkeeping functions.

Before the new owners began operating Penn Hills in mid-January 2005, each location had its own set of employees. Since the new owners took over, Earley has hired four new employees. Three of the new employees split their working hours between the two locations,

and one newly-hired individual, Chris Weaber, has thus far only worked at Penn Hills.<sup>15</sup> Thus, there is a functional interrelationship between Penn Hills and the Oaks.

D. Common Ownership – There is some significant common ownership between the Oaks and Penn Hills. Meg Burkardt is a one-third shareholder in the Oaks and a 50 percent partner in the ownership of Penn Hills. I note that Burkardt is also the only one of the three shareholders of the Oaks who takes an active role in its operation. Burkardt also actively assists in the operation of Penn Hills, both by preparing the books and by being present on the weekends to assist Earley in the management of the cinemas.

E. Conclusion – Based on the above, I find that Penn Hills and the Oaks share common control of labor relations, common management, functional interrelationship of operations and some common ownership. In these circumstances, I find that it is appropriate to consider Penn Hills and the Oaks as a single employer for purposes of establishing jurisdiction in this case. As described previously, when the gross revenues, either by projection or, in the case of the Oaks, by actual receipts, are combined, the total amount exceeds the \$500,000 standard required for the Board to assert jurisdiction. Accordingly, I find that Penn Hills and the Oaks constitute a single employer and, together, meet the jurisdictional standard.

### **III. SCOPE OF THE UNIT**

It is well established that a petitioned-for single-facility unit is presumptively appropriate, and that the party opposing the presumption has a heavy burden to provide evidence rebutting this presumption. Trane, 339 NLRB 866, 867 (2003). However, the Board “has never held or suggested that to rebut the presumption a party must proffer ‘overwhelming evidence...illustrating the complete submersion of the interests of employees at the single store,’ nor is it necessary to show that ‘the separate interests’ of the employees sought have been ‘obliterated’”. Id., citing Petrie Stores Corp., 266 NLRB 75, 76 (1983).

---

<sup>15</sup> At the time of the hearing, Weaber had only been employed for about a week. Consequently, it may be too early to predict whether he will eventually work at both locations.

To determine whether the single-facility presumption has been rebutted, the Board looks at a number of community of interest factors, including similarity of employee skills, functions, and training; the distance between the facilities; the degree of employee interchange; common wages, benefits and terms and conditions of employment; the functional coordination in operations of the facilities; common supervision; centralized control over daily operations and labor relations; and bargaining history. Trane, supra; St. Luke's Health System, Inc., 340 NLRB No.139, slip op. at 2 (2003); Budget Rent A Car Systems, 337 NLRB 884, 885 (2002). The Board has long held that no one factor is determinative in analyzing whether the single-facility presumption has been overcome. St. Luke's Health System, Inc., supra at 3.

With regard to skills, functions and training, I find that the projectionists at both Penn Hills and the Oaks are very similar. Two projectionists at each of the locations have worked there for a long while,<sup>16</sup> and have experience operating the projection booth as well as preparing the films before and after the movies are run.<sup>17</sup> When Claflin was hired in March 2005, he was being trained on the job to perform these tasks, and now is beginning to perform the projectionist's duties independently. Each projectionist works alone except for a short overlap of time between shifts, and each is responsible for the smooth operation of the projection booth.

The facilities are only about six miles apart. At present, of the three projectionists at Penn Hills, Claflin is the only one who works at both Penn Hills and the Oaks. There are also two other non-unit employees working as concession stand clerks who work at both locations. I find it significant that three of the four new employees hired since the new owners took over the

---

<sup>16</sup> The record does not indicate exactly how long each projectionist has been employed or what their experience has been, but indicates that each has been at their respective locations for at least a few years.

<sup>17</sup> In this regard, when the film arrives at the theater from the distributor, it must be prepared by the projectionist to be shown by splicing several reels together onto one large reel for the movie's run. Likewise, when the run is finished, the projectionist must break down the large reel into several smaller ones to be returned to the distributor.

operations at Penn Hills work at both Penn Hills and the Oaks.<sup>18</sup> Thus, the locations are in close proximity to each other, and there is substantial interchange between the two locations, particularly among the most recently hired employees.

With regard to terms and conditions of employment, there are also substantial similarities. The two projectionists who worked for the prior employer at Penn Hills earn \$12.00 per hour, while the projectionists at the Oaks earn \$8.00 per hour. Although the new owners at Penn Hills kept the wages of the two projectionists who had been working there for the prior operator at the higher rate, the newly-hired projectionist at Penn Hills, Claflin, is earning \$8.00 per hour, as is Weaber, who may be trained to function as a projectionist as well as a manager. I also note that all of the concession stand clerks at both locations earn \$6.00 per hour. The projectionists as well as the concession stand clerks at both locations are all regular part-time employees, they all report to Earley, and there is no evidence that any of them receive any benefits in addition to their wages.

An examination of the factors of functional coordination in operations, common supervision and centralized control over daily operations and labor relations also tends to show a strong community of interest between the employees of the two locations. Burkardt handles the books for both theaters, and both locations use the same accountant. All employees report to Jared Earley, who has complete authority over their terms and conditions of employment. Earley hires, fires, disciplines, sets schedules, assigns work, grants time off, and so forth. In this regard, he is sometimes assisted on the weekends by Burkardt, who is Earley's partner in the ownership of Penn Hills and who is the only active shareholder among the owners of the Oaks. As previously discussed, the two locations share common supervision as well as centralized control over their daily operations and labor relations.

---

<sup>18</sup> The fourth newly-hired employee, Weaber, had only been working for about a week at the time of the hearing, so it is premature to determine at this time what his schedule or job duties may ultimately be.

With regard to bargaining history, when Penn Hills was operated by the previous owner, the projectionists were represented by the Petitioner. The projectionists at the Oaks have never been represented by any labor organization.

In sum, when all of the relevant evidence is examined, I find that it establishes the single-facility presumption has been rebutted herein. Although the two projectionists who were employed prior to January 15, 2005 were represented in a single unit by the Petitioner, once the new owners began operating Penn Hills, many factors changed significantly. Penn Hills and the Oaks now share the same manager and the same terms and conditions of employment.<sup>19</sup> The two locations are somewhat functionally interrelated and now have centralized control of their daily operations and labor relations. The two facilities are in relatively close proximity to each other, and the new owners have begun to regularly interchange newly hired employees. Under these circumstances, I find that the Employer has rebutted the single-facility presumption and, consequently, I find that the appropriate unit herein must include the projectionists who work at both Penn Hills and the Oaks. Jerry's Chevrolet, Cadillac, 344 NLRB No. 87 (May 23, 2005).

Accordingly, and inasmuch as the Petitioner has indicated that it does not wish to proceed to an election in any unit other than the one for which it petitioned, I shall dismiss the petition in the instant matter.<sup>20</sup>

#### **IV. FINDINGS AND CONCLUSIONS**

Based upon the entire record in this matter and in accordance with the discussion above, I find and conclude as follows:

---

<sup>19</sup> However, the new owners have continued to pay a higher rate of pay to the projectionists who worked for the prior employer at Penn Hills.

<sup>20</sup> Inasmuch as the instant petition is being dismissed, I need not and do not decide the issues raised at the hearing relating to the status of newly-hired employees Roy Claflin and Chris Weaber. Moreover, the hiring of Claflin and Weaber is arguably related to a pending unfair labor practice charge involving the diminution of work hours of the more senior Penn Hills projectionists.

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction in this matter.
3. The Petitioner claims to represent certain employees of the Employer.
4. No question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

#### **V. ORDER**

**IT IS HEREBY ORDERED** that the petition filed herein be, and it hereby is, dismissed.

#### **VI. RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570-0001.<sup>21</sup> This request must be received by the Board in Washington by 5 p.m., EST (EDT), on **June 30, 2005**. The request may **not** be filed by facsimile.

Dated: June 16, 2005

/s/ Gerald Kobell

Gerald Kobell, Regional Director

NATIONAL LABOR RELATIONS BOARD  
Region Six  
Room 1501, 1000 Liberty Avenue  
Pittsburgh, PA 15222

---

<sup>21</sup> A request for review may be filed electronically with the Board in Washington, D.C. The requirements and guidelines concerning such electronic filings may be found in the related attachment supplied with the Regional Office's initial correspondence and at the National Labor Relations Board's website, [www.nlrb.gov](http://www.nlrb.gov), under "E-Gov."

**Classification Index**

177-1642

260-3340-5000

260-3360-3333

362-6790-2500

362-6799-5000

440-3350-2500

440-8350-3300